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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/593,098

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Roland van der Tuijn

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05/06/2004

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EXAMINER

DUONG, FRANK

ART UNIT

PAPER NUMBER

2666

10

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,098

Applicant(s)

VAN DER TUIJN, ROLAND

Examiner

Frank Duong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 22-45 is/are allowed.
- 6) ☒ Claim(s) 15-21 and 46-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is a response to the amendment dated 2/5/4. Claims 1-49 are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 15-21 and 46-49 are rejected under 35 U.S.C. 102(a) as being anticipated by the Bluetooth Specification Version 1.0B, dated 29 November 1999 (hereinafter "Doc1").

Regarding **claim 15**, in accordance with the Doc1 reference, Doc1 discloses a communication device (*page 81, Figure 8.1*) comprising:

a buffer (TX ACL buffer or TX SCO buffer) configured to store communication data (*page 81, section 8.1 and the description pertaining ACL and SCO buffers*);

control circuitry (*not shown; inherent as Bluetooth controller or Bluetooth Link Manager controlled switches S1a-b and S2a-b to compose or access the FIFOs*) coupled with the buffer and configured to selectively extract communication data from only a portion of the buffer and to generate a packet including the communication data extracted from only the portion of the buffer (*page 91, section 8.1 and the description pertaining Bluetooth Controller and Bluetooth Link Manager controlled the positions of the switches*); and

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communication circuitry (*Packet Composer*) coupled with the control circuitry and configured to communicate the packet (*page 82, section 8.1.1, third paragraph and the description pertaining Packet Composer*).

Regarding **claim 16**, in addition to features recited in base claim 15 (see rationales discussed above), Doc1 further discloses wherein the control circuitry is configured to generate a plurality of packet types (*pages 54-61 listed packet types or page 81, ID, NULL, POLL, FHS, DM1 packet types or page 82, section 8.1.1; DM, DH and NULLL packet types*) and to extract communication data from only a portion of the buffer for one packet type (*page 82, section 8.1.1; ACL traffic*) and the entire buffer for another packet type (*page 83, section, 8.1.2; SCO traffic*).

Regarding **claim 17**, in addition to features recited in base claim 15 (see rationales discussed above), Doc1 further discloses wherein the control circuitry is configured to select between generation of a first packet type including a first amount of communication data and another packet type including a second amount of communication data (*page 83, section 8.1.3; Mixed data/voice traffic*).

Regarding **claim 18**, in addition to features recited in base claim 15 (see rationales discussed above), Doc1 further discloses wherein the control circuitry is configured to select between generation of different packets type including respective different amounts of communication data (*page 83, section 8.1.3; Mixed data/voice traffic*).

Regarding **claim 19**, in addition to features recited in base claim 15 (see rationales discussed above), Doc1 further discloses wherein the control circuitry is

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configured to extract communication data only from a first portion of the buffer for a given packet and only from a second portion of the buffer for another packet (*pages 84-85, section 8.2; RX Routine*).

Regarding **claim 20**, in addition to features recited in base claim 15 (see rationales discussed above), Doc1 further discloses wherein the control circuitry is configured to offset address the buffer to extract communication data from only the portion of the buffer (*page 81, section 8.1, TX Routine, Doc1 discloses each TX buffer consists of two FIFO registers: one current register which can be accessed and read by the Bluetooth controller in order to compose the packets, and one next register that can be accessed by the Bluetooth Link Manager to load new information implies "to offset address"*).

Regarding **claim 21**, in addition to features recited in base claim 15 (see rationales discussed above), Doc1 further discloses wherein the communication circuitry comprises wireless communication circuitry (*not shown; inherent in a Bluetooth device*).

Regarding **claim 46**, in accordance with Doc1 reference entirety, Doc1 discloses a communication method comprising:

storing communication data within a buffer (*page 81, Figure 8.1; ACL or SCO buffer*);

extracting communication data from only a portion of the buffer (*page 81, Figure 8.1; S1b or S2b switch and Packet Composer*);

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providing a packet including communication data only extracted from the portion of the buffer (*page 81, Figure 8.1; S1b or S2b*); and

communicating the packet after the providing (*page 81, Figure 8.1; Packet Composer*).

Regarding **claim 47**, in addition to features recited in base claim 46 (see rationales discussed above), Doc1 further discloses extracting communication data from the entirety buffer; and providing a packet including communication data extracted from the entire buffer (*page 81; TX routine and page 60, DH1 packet*).

Regarding **claim 48**, in addition to features recited in base claim 46 (see rationales discussed above), Doc1 further discloses wherein the extracting comprises selectively addressing the buffer using an offset address (*page 81, Figure 8.1, section TX Routine, Doc1 discloses the switching between the FIFO registers is offset addressing of the TX SCO buffer*).

Regarding **claim 49**, in addition to features recited in base claim 46 (see rationales discussed above), Doc1 further discloses wherein the extracting comprises extracting communication data from one of the first portion of the buffer (current FIFO) and a second portion of the buffer (next FIFO), and the providing comprises providing the packet including communication data from the first portion of the buffer and providing another packet including communication data from the second portion of the buffer (*page 81, section TX Routine*).

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Allowable Subject Matter

3. Claims 1-14, 22-45 are allowed.

Response to Arguments

4. Applicant's arguments filed 2/5/04 have been fully considered but they are not persuasive.

In the Remarks of the outstanding response, on pages 15-16 pertaining the rejection of claims 15-21 and 46-49, Applicants asserts "*In contrast, in the presently claimed invention, either a single buffer ... packet composer without switching between separate buffers and introducing speech interruption*".

In response Examiner respectfully disagrees. A careful review of claims 15-21 and 46-49, Examiner asserts that the amendment dated 2/5/04 fails to incorporate the disputed features into the claims to better distinguish the claimed inventions from that disclosed by the Bluetooth standard.

Examiner believes an earnest attempt has been made in addressing all of the Applicants' arguments. Due to the arguments pertaining claims 15-21 and 46-49 based on features not in the claims, thus, not persuasive, the rejection from the last Office Action is maintained.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Brown et al (USP 3,366,622).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is (703) 308-5428. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Frank Duong", with a stylized flourish at the end.

Frank Duong
Examiner
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May 2, 2004